

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Squad #6	CCRB Case #: 201808467	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/12/2018 1:00 PM	Location of Incident: 104 Precinct stationhouse	Precinct: 104	18 Mo. SOL 4/12/2020	EO SOL 11/27/2020	
Date/Time CV Reported Fri, 10/12/2018 1:21 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/12/2018 1:21 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Danny Lei	3842	936939	104 PCT
2. POM Minhaj Khalique	04769	964590	104 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Danny Lei	Abuse: Sergeant Danny Lei did not process § 87(2)(b) s complaint regarding an officer.	
B.POM Minhaj Khalique	Abuse: Police Officer Minhaj Khalique did not process § 87(2)(b) s complaint regarding an officer.	

Case Summary

On October 12, 2018, § 87(2)(b) filed this complaint via telephone with the CCRB.

On October 12, 2018, at approximately 1:00 p.m., § 87(2)(b) went to the 104th Precinct stationhouse in Queens to file a complaint about an earlier incident involving officers from the precinct. § 87(2)(b) spoke to Sergeant Danny Lei, the Desk Sergeant, and stated that she wished to file complaints against police officers. Sgt. Lei did not process her complaint and told her she should contact the CCRB while gesturing towards the walls (**Allegation A: Abuse of Authority - § 87(2)(g)**). § 87(2)(b) then approached PO Minhaj Khalique, the telephone switchboard operator, and told him she wanted to file a complaint. PO Khalique also did not process her complaint and told her that she could return to the stationhouse and file the complaint later (**Allegation B: Abuse of Authority - § 87(2)(g)**). § 87(2)(b) exited the stationhouse without having filed her complaint.

No arrests or summonses resulted from this incident.

There is no video evidence in this case.

Findings and Recommendations

Allegation A – Abuse of Authority: Sergeant Danny Lei did not process § 87(2)(b)'s complaint regarding an officer.

It is undisputed that Sgt. Lei did not process § 87(2)(b)'s complaint regarding police officers.

§ 87(2)(b) testified (**Board Review 1**) that she approached Sgt. Lei at the desk and asked to file a complaint against an officer at the 104th Precinct who allegedly lied to her over the phone about the condition of § 87(2)(b)'s car. § 87(2)(b) stated she also wished to file a complaint against a detective at the 104th Precinct Detective Squad for filing a false criminal complaint. § 87(2)(b) explained the entire situation surrounding her complaints. Sgt. Lei asked § 87(2)(b) for her name, address and other information and used a computer to look up the criminal complaint she was referring to. Sgt. Lei told § 87(2)(b) that according to the complaint, she was the one who filed the criminal complaint. § 87(2)(b) refuted this and claimed that the detective lied in the complaint. Sgt. Lei gestured at the walls in the stationhouse where information was posted about the CCRB and told her she should contact the CCRB. Sgt. Lei did not process § 87(2)(b)'s complaint and did not offer to. She walked away from Sgt. Lei but later returned and asked him for his name and shield number, which Sgt. Lei provided.

Sgt. Lei testified (**Board Review 2**) that he was working as the desk sergeant when he heard § 87(2)(b) ask PO Khalique how to make a complaint against an officer. Before PO Khalique had a chance to respond, knowing that he was a new officer, Sgt. Lei told § 87(2)(b) that he would help her. Sgt. Lei stated that he did not recall § 87(2)(b)'s exact wording but believed she only wanted to know how to go about filing a complaint. § 87(2)(b) did not give him any details regarding her complaint. Sgt. Lei informed § 87(2)(b) that he could give her a form to make her complaint at the stationhouse or she could take down the information from the signs in the

waiting area. § 87(2)(b) went to the waiting area without responding. A few seconds later, she returned to the desk and asked Sgt. Lei and PO Khalique for their names and shield numbers, which they provided.

PO Khalique testified (**Board Review 3**) that § 87(2)(b) approached him and stated that she wished to file a complaint against an officer at which point he had her wait in the waiting room until someone was available to take her complaint. PO Khalique stated that other than asking for Sgt. Lei's name and shield number, he did not see § 87(2)(b) talk to Sgt. Lei and that since the front desk is situated next to his desk, he would have been in a position to see and hear them had they conversed.

According to Patrol Guide Procedure 207-31 (**Board Review 4**), an officer must process a civilian's complaint by interviewing the complainant and giving the complainant a copy of a civilian complaint report, to be filled out and signed by the complainant.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation B – Abuse of Authority: Police Officer Minhaj Khalique did not process § 87(2)(b)'s complaint regarding an officer.

It is undisputed that § 87(2)(b) approached PO Khalique and informed him of her desire to file complaints against officers and that PO Khalique did not process her complaints. Further, it is undisputed, based on both civilian and officer testimonies, that nothing unusual occurred at the stationhouse that would have prevented PO Khalique from processing her complaints.

§ 87(2)(b) stated (**Board Review 1**) that after speaking to Sgt. Lei, she approached PO Khalique and stated that she wished to file a complaint against an officer. § 87(2)(b) believed that PO Khalique had heard her conversation with Sgt. Lei since they were close enough to each other and the stationhouse was quiet. PO Khalique allegedly replied, "I'm not taking any complaints right now." § 87(2)(b) walked away at that point. She then went to her car outside and found a pen and notepad. She returned to the stationhouse and asked Sgt. Lei and PO Khalique for their names and badge numbers, which they provided to her and she wrote down.

PO Khalique testified (**Board Review 3**) that § 87(2)(b) approached him and stated she wished to file a complaint against a police officer. PO Khalique told § 87(2)(b) to wait for a different officer to take her complaints because he was unaware that part of his duties as a Telephone Switchboard operator entailed processing civilian complaints against officers. PO Khalique believed that his responsibility entailed only directing civilians to the right place to go. § 87(2)(b) sat down and waited in the stationhouse. After approximately 10 to 30 minutes, PO Khalique saw § 87(2)(b) was still waiting. PO Khalique did not see § 87(2)(b) talk to Sgt. Lei. As § 87(2)(b) was still waiting, PO Khalique told § 87(2)(b) that she could either wait further or leave and return to the stationhouse in an hour. PO Khalique told her one hour because he believed that another officer would be available by that time. § 87(2)(b) left, but then returned and asked him for his name and shield number, which he provided. PO Khalique stated in his CCRB statement that at the time of the incident, he was a new graduate from the Police Academy.

According to Patrol Guide Procedure 207-31 (**Board Review 4**), an officer must process a civilian's complaint by interviewing the complainant and giving the complainant a copy of a civilian complaint report, to be filled out and signed by the complainant.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 5**).
- PO Khalique has been a member-of-service for one year and this is the first CCRB complaint to which he has been a subject.
- Sgt. Lei has been a member-of-service for 14 years and has been a subject in one other CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of January 7, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (**Board Review 6**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of criminal convictions in New York City (**Board Review 7**).

Squad No.: 6

Investigator: _____ Inv. Simon Wang _____
Signature Print Title & Name Date

Squad Leader: _____

Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____